

ILND 44 (Rev. 08/23)

CIVIL COVER SHEET

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See instructions on next page of this form.)

I. (a) PLAINTIFFS

Leovigildo Hernandez Lopez

(b) County of Residence of First Listed Plaintiff **Cook**
(Except in U.S. plaintiff cases)

(c) Attorneys (firm name, address, and telephone number)

Bethany T Hoffmann, Hoffmann Immigration L.L.C.
401 E State St, Fl 2, Rockford, IL 61104
815-394-1359**DEFENDANTS**

San Jose, IMMIGRATION AND CUSTOMS ENFORCEMENT AND REMOVAL OPERATIONS CHICAGO FIELD OFFICE DIRECTOR, Sandra Salazar, IMMIGRATION AND CUSTOMS ENFORCEMENT AND REMOVAL OPERATIONS CHICAGO FIELD OFFICE DIRECTOR, Marcos Charlet, ACTING EXECUTIVE ASSOCIATE DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, Todd M. Lynea, ACTING DIRECTOR IMMIGRATION CUSTOMS ENFORCEMENT, et al.

County of Residence of First Listed Defendant **Cook**
(In U.S. plaintiff cases only)

Note: In land condemnation cases, use the location of the tract of land involved.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Check one box, only.)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government not a party.)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate citizenship of parties in Item III.)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only.)(Check one box, only for plaintiff and one box for defendant.)

- | PTF | DEF | PTF | DEF |
|--|----------------------------|--|----------------------------|
| Citizen of This State <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Check one box, only.)

CONTRACT	TORTS	PRISONER PETITIONS	LABOR	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyright <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Arts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input checked="" type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAXES <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Check one box, only.)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

28 USC 2241, unlawful immigration detention of Petitioner, a U-2 Applicant

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)**VIII. REQUESTED IN COMPLAINT:**☐ Check if this is a class action under Rule 23, F.R.C.V.P.

Demand \$

CHECK Yes only if demanded in complaint:

Jury Demand: ☐ Yes ☐ No**IX. RELATED CASE(S) IF ANY** (See instructions):

Judge

Case Number

X. Is this a previously dismissed or remanded case?☐ Yes ☐ No If yes, Case #

Name of Judge

Date:

8/25/25

Signature of Attorney of Record

UNITED STATES DISTRICT COURT
for the
Northern District of Illinois

Leovigildo Hernandez Lopez,

Petitioner

v.


Sam Olson, IMMIGRATION CUSTOMS
ENFORCEMENT AND REMOVAL OPERATIONS
CHICAGO FIELD OFFICE DIRECTOR; Sandra Salazar,
IMMIGRATION CUSTOMS ENFORCEMENT AND
REMOVAL OPERATIONS CHICAGO FIELD OFFICE
DIRECTOR; Marcos Charles, ACTING EXECUTIVE
ASSOCIATE DIRECTOR, ENFORCEMENT AND
REMOVAL OPERATIONS; Todd M. Lyons, ACTING
DIRECTOR, IMMIGRATION CUSTOMS
ENFORCEMENT, Madison Sheahan, DEPUTY
DIRECTOR, IMMIGRATION CUSTOMS
ENFORCEMENT; Kristi Noem, SECRETARY OF THE
DEPARTMENT OF HOMELAND SECURITY; Pam
Bondi, ATTORNEY GENERAL OF THE UNITED
STATES; Donald J. Trump, PRESIDENT OF THE
UNITED STATES

Case Number: _____

Respondents

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Leovigildo Hernandez Lopez
(b) Other names you have used: Leovigildo Hernandez
2. Place of confinement:
(a) Name of institution: ICE Broadview Processing Center (AKA: Broadview Service Staging Area "BSSA")
(b) Address: 1930 Beach Street, Broadview, IL 60155
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a

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crime If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket number of criminal case: _____

(c) Date of sentencing: _____

☒ Being held on an immigration charge

☐ Other (*explain*): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention & removal

☐ Detainer


☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☒ Other (*explain*): Imminent removal of the Petitioner, while pending U Visa case.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: ICE, Enforcement and Removal Operations ("ERO"),
101 West Ida B. Wells Dr, Ste 4000, Chicago, IL 60605

(b) Docket number, case number, or opinion number: A 

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):

On information and belief, the Respondents are in the process of removing the Petitioner from the United States to Mexico, while there is a pending I-918 Petition for U Nonimmigrant Status for his wife and he has a pending I-918A Petition for U-2 Derivative Status.

(d) Date of the decision or action: 08/25/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

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(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: Reasonable Fear Interview Requests were pending with ICE-ERO, Chicago.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Not applicable, no first appeal filed.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
 (2) Case number: _____
 (3) Date of filing: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
 (2) Case number: _____
 (3) Date of filing: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Section 10, Not applicable. Immigration proceedings.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

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- (a) Date you were taken into immigration custody: August 25, 2025
- (b) Date of the removal or reinstatement order: September 3, 2015
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☒ No
 If "Yes," provide:
 (1) Date of filing: _____
 (2) Case number: _____
 (3) Result: _____
 (4) Date of result: _____
 (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?
☐ Yes ☒ No
 If "Yes," provide:
 (1) Name of court: _____
 (2) Date of filing: _____
 (3) Case number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____

- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Respondents are in the process of removing Petitioner, despite having a pending I-918A Petition For U Nonimmigrant Status pending with USCIS. No bona fide or waitlist determination has been issued.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

On 08/25/2025, Petitioner appeared for his scheduled biometrics appointment at the U.S. Citizenship and Immigration Services for his pending I-918A Petition for U Nonimmigrant Status. No bona fide or waitlist determination has been issued per USCIS policy.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes ☐ No

GROUND TWO:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND THREE:

Supporting facts (*Be brief. Do not cite cases or law.*):

(a) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☐ No

GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

We respectfully request that the court issue an emergency stay ordering the Respondents to not remove the Petitioner from the Jurisdiction of the United States and not remove the Petitioner from the jurisdiction of this Court, while Respondent awaits a bona fide determination from USCIS on this petition.

Respectfully Submitted,

/s/ Bethany T Hoffmann

Attorney for Petitioner

Bethany T Hoffmann
Hoffmann immigration Law LLC
401 E State St, Fl 2
Rockford, IL 61104
Phone: 815-394-1359
Fax: 8153941280
Email: bethany@hil-llc.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, Bethany T. Hoffmann, certify that I electronically filed the Plaintiff's Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of Court using the CM/ECF system on August 25, 2025. Pursuant to FED R. CIV. P. 5(b)(3) AND THE Northern District of Illinois LR 5.9. I have thereby electronically served all electronic filing users with a copy of the Plaintiff's Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241.

I, the undersigned attorney, Bethany T. Hoffmann, certify that I have also served a paper copy of Plaintiff's Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 as required by Fed R. Civ. P. 5(a) by sending a complete copy of the Emergency Petition for a Writ of Habeas Corpus and all exhibits by priority mail, proper postage prepaid, and deposited with the U.S. Postal Service before 5:00PM on August 25, 2025 to the U.S. Attorney's Office for the Northern District of Illinois-Eastern Division at 219 S. Dearborn St, 5th Fl, Chicago, IL 60604.

By: S/ Bethany T Hoffmann

Bethany T. Hoffmann
Hoffmann Immigration Law LLC
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Rockford, IL 61104
(815) 394-1359
bethany@hil-llc.com

TABLE OF EXHIBITS

DOCUMENT DESCRIPTION	EXHIBIT
I-797C, Notice of Action, I-918A Petition for Qualifying Family Member of U-1 Recipient (Dated 09/24/2024)	A
I-797C, Notice of Action, I-192 Application for Advance Permission to Enter As Nonimmigrant (Dated 09/24/2024)	B
I-797C, Notice of Action, Application for Employment Authorization, Category C14 (Dated 09/24/2024)	C
I-797C, Notice of Action, Application for Employment Authorization, Category A20 (Dated 09/24/2024)	D
I-797C, Notice of Action, ASC- Appointment Notice (dated 08/08/2025)	E